

In re Application of:

**ROBERT GEORGE EMBERTY**

Serial No.: 09/898,886

Filed: July 3, 2001

For: **AUTOMATED HANDLING AND  
INTERFACE MECHANISM FOR  
LIBRARY OF DISK DRIVE  
CARRIERS**

Atty. Docket No.: TUC920010067US1

Examiner: **CHRISTOPHER R. MAGEE**

Art Unit: 2653

**DECLARATION UNDER 37 C.F.R. § 1.131**Commissioner for Patents  
P.O. Box 1450  
Arlington, Virginia 22313-1450**COPY**

Sir:

On personal information and belief, I hereby declare the following in response to the Examiner's provisional obviousness rejection under 35 U.S.C. §103(a) of Applicants' currently claimed invention embodiments in view of *Albrecht et al.*, United States Patent Number 6,826,004, hereinafter, "*Albrecht*".

1. The subject matter of *Albrecht* qualifies as prior art with respect to Applicants' currently claimed invention embodiments, if at all, only under one or more of 35 U.S.C. §102 (e), (f), or (g) and
2. The subject matter of *Albrecht* and of Applicant's claimed invention embodiments were owned by, or subject to an obligation of assignment to, the same entity at the time of Applicants' invention.

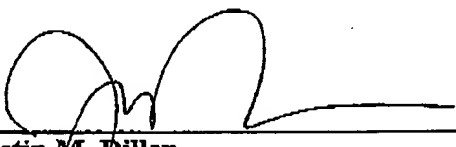
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I hereby certify that this correspondence is being facsimile transmitted to the USPTO at 703-872-9306 or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on the date shown below.

Typed or Printed Name: Jane GrahamDate: June 28, 2005Signature: Jane Graham

Consequently, Applicants hereby submit that the patentability of the above-identified United States Patent Application is not precluded for obviousness as specified in 35 U.S.C. §103(c).

06/28/05  
Date

  
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